

Absent—Excused

Brown	Shivers
Bullock	Spears
Kelley	Winfield
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Moffett
Carney	Moore
Chadick	Morris
Crawford	Parrish
Graves	Ramsey
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Mauritz	Weinert
Metcalf	York

Absent—Excused

Brown	Shivers
Bullock	Spears
Kelley	Winfield
Martin	

House Concurrent Resolution 19

H. C. R. No. 19, received from the House today, was read and was referred by the President to the Committee on State Affairs.

Adjournment

On motion of Senator Moore, the Senate, at 11:35 o'clock a. m., adjourned until 11:00 o'clock a. m. Monday, February 12, 1945.

TWENTY-FIRST DAY

(Monday, February 12, 1945)

The Senate met at 11 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Hazlewood
Brown	Jones
Bullock	Knight
Carney	Lane
Chadick	Lanning
Crawford	Mauritz
Graves	Metcalf

Moffett	Sulak
Morris	Taylor
Parrish	Vick
Ramsey	Weinert
Stanford	Winfield
Stone	York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 8, 1945, was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Weinert.

Senators Martin, Spears, Kelley and Shivers were granted leaves of absence for today on account of important business on motion of Senator Graves.

Addition to Standing Committee

The President announced the addition of Senator Brown to the membership of the Committee on Agriculture.

Messages from the Governor

The following messages were received from the Governor, read to the Senate, and referred to the Committee on Nominations of the Governor.

Austin, Texas,
February 12, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Public Weigher in and for Harris County for a two year term to expire March 17, 1947:

A. G. Murphy of La Porte, Harris County.

To be Public Weigher in and for Harris County for a two year term to expire March 14, 1947:

L. P. Claussen of Houston, Harris County.

To be Public Weigher in and for the City of Galveston for a two year term to expire February 13, 1947:

F. C. Gherbis of Galveston, Galveston County.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Austin, Texas,
February 12, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Sabine Bar, Pass and Tributaries for two years terms to expire February 12, 1947:

R. Gerald Johnson of Port Arthur, Jefferson County.

C. K. Luther of Port Arthur, Jefferson County.

To be Public Weigher in and for Bexar County for a two year term to expire February 12, 1947:

C. D. Cannon of San Antonio, Bexar County.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Joint Session

At 11:05 o'clock a. m., Senator Lanning announced the arrival of the hour for the joint session to hear a concert by the choir and orchestra of the Texas State College for Women.

The President announced that the Senate would also sit in joint session with the House at 11:30 o'clock a. m. today to attend the decoration of the Honorable P. L. Anderson as a member of the Order of the Aztec Eagle by Consul General Carlos A. Calderon of the Republic of Mexico.

The Senate proceeded in a body to the Hall of the House, where it was duly announced and the Senators were escorted to seats prepared for them in the center aisle.

On invitation of the Speaker, the President occupied a seat at the Speaker's desk.

The Speaker announced that the two Houses had assembled in joint ses-

sion for the purposes of hearing a concert by the choir and orchestra of the Texas State College for Women and of attending the decoration of the Honorable P. L. Anderson as a member of the Order of the Aztec Eagle.

The President called the Senate to order, and directed the Secretary to call the roll of the Senate.

The roll was called, and a quorum of the Senate was announced present.

The Speaker ascertained and announced the presence of a quorum of the House.

The Speaker presented Hon. R. L. Proffer, member of the House from Denton County, who first introduced Dr. L. H. Hubbard, president of the Texas State College for Women, and Mrs. Florence Fenley, member of the House from Uvalde County, and then presented Dr. William E. Jones, of the department of music of the Texas State College for Women.

Dr. Jones presented the choir and orchestra of the Texas State College for Women and directed their rendition of a program of music and song.

At 11:30 o'clock a. m., the concert was interrupted by the Speaker, who announced the arrival at the Hall of the House of the Honorable Coke R. Stevenson, Governor of Texas, and his guests, the Honorable P. L. Anderson of Bexar County and the Honorable Carlos A. Calderon, Consul General of the Republic of Mexico, with their parties of officials and aides.

The Governor and his distinguished guests were escorted to the Speaker's rostrum by Senators Metcalfe, Stone, Sulak, Lanning and Crawford, on the part of the Senate, and Representatives Winfree, Isaacks, Leonard, Leyendecker and Nicholson on the part of the House.

The Speaker presented Hon. Jo Ed Winfree, member of the House from Harris County, who presented Governor Coke R. Stevenson, who in turn presented the Honorable Carlos A. Calderon, Consul General of Mexico.

Consul General Calderon then conferred upon the Honorable P. L. Anderson the decoration of the Order of the Aztec Eagle.

Mr. Anderson then addressed the joint session and expressed his appre-

ciation for the honor conferred upon him.

Governor Stevenson also presented to the joint session another distinguished visitor, Lieutenant General George Gruner, Commanding General of the United States Eastern Defense Command.

Mr. Anderson presented Senator Antonio Villalobos, member of the National Senate of Mexico, who addressed the joint session briefly.

Mr. Anderson also presented General Arnulfo Palomera Lopez, Chief of Staff of the Seventh Military Zone of Republic of Mexico.

At the request of the Speaker, the choir and orchestra of the Texas State College for Women then resumed their concert and rendered several additional numbers in honor of the distinguished guests of the Governor and the Legislature.

Mr. Proffer presented to Dr. Jones of the Department of Music of the Texas State College for Women a copy of the resolution extending an invitation to the choir to appear in concert at the joint session.

President pro tempore Moffett, on the part of the Senate, announced the purposes of the joint session accomplished; and, at 12:05 o'clock p. m., he requested the Senate to retire to its chamber.

In the Senate

The President called the Senate to order at 12:10 o'clock p. m.

Concert by Choir of Texas State College for Women

On motion of Senator Lanning, and by unanimous consent, the choir of the Texas State College for Women was invited to render a special concert for the Senate.

Accordingly, the choir and its director, Dr. Wm. E. Jones, were escorted to the bar of the Senate; and they there rendered a program of selected songs.

Presentation of Officials of Mexico

The President announced the presence in the Senate Chamber of Senator Antonio Villalobos of the Mexican National Senate and Hon. Manuel

Carillo of the Federal District of Mexico, and requested Senator Metcalfe to escort them to the President's desk.

Senator Metcalfe performed the duty assigned him, and the President then presented to the Senate the distinguished visitors from the Republic of Mexico.

Message from the House

Hall of the House of Representatives.

Austin, Texas,
February 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

S. C. R. No. 8, Requesting the Representatives in Congress from the State of Texas, and the United States Senators from Texas to have compiled for the State Legislature a list of all interests and ownership in real property and rights therein in the State of Texas held or claimed by the Federal Government.

H. J. R. No. 7, Proposing an amendment to Section 2, Article VI, of the Constitution of the State of Texas.

S. C. R. No. 10, Providing for a Joint Session of the House and Senate on February 14, 1945, to hear Hon. Ben H. Powell and Hon. Wayland D. Towner report on the recent campaign of the United War Chest of Texas, etc.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Mauritz:

S. B. No. 127, a bill to be entitled "An Act authorizing the State Board of Control, at its option, to sell the Texas State Railroad running from North Rusk, Texas, to Palestine, Texas, within two years; providing the Board of Control shall advertise for sealed bids; authorizing the Board of Control to reject any and all bids;

directing the Board of Managers to transfer possession of the railroad to the State Board of Control upon notification of the Board of Control's intention to sell the property; directing the Board of Control to execute and deliver a deed to such property to the purchaser should they accept any bid; providing for the disposition of the proceeds; and declaring an emergency."

To Committee on State Affairs.

By Senator Mauritz:

S. B. No. 128, A bill to be entitled "An Act placing all State Parks and all other tracts of land used or to be used by the State for the purposes of public park and/or recreational areas, including all public parks, historical parks, and/or recreational areas now under the control and custody of the State Board of Control, under the control and custody of the State Parks Board, under the authority conferred upon such Board by existing law; providing that all laws relating to the same shall be executed and administered by the State Parks Board; providing that all laws which are in conflict, in whole or in part with this Act are hereby repealed, including Articles 677, 6071, 6072, 6073, 6074, 6075, 6077 of the Revised Civil Statutes of Texas, Sections 3, 4, and 5 of Chapter 31 of the Acts of the 42nd Legislature, Regular Session of 1931, Sections 1 and 2 of Chapter 428 of the Acts of the 47th Legislature, Regular Session of 1941; and declaring an emergency."

To Committee on State Affairs.

By Senator Mauritz:

S. B. No. 129, A bill to be entitled "An Act amending Article 5510 of the Revised Civil Statutes of 1925, relating to the ten year limitation on actions to recover lands, tenements, and hereditaments so as to require the person in peaceable and adverse possession to duly render property for taxation within proper time during the last five years of such adverse possession, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 130, A bill to be entitled "An Act dealing with the regulation of the transportation of persons or

property for hire in intrastate commerce by aircraft; declaring that the regulation and control of navigation and operation of aircraft for compensation or hire and intrastate commerce shall be vested in the Railroad Commission of Texas; giving such Commission full and complete authority to carry out the aims and purposes of this Act and to make and enforce such orders, rules and regulations that are necessary; providing that from the effective date of this Act no aircraft carrier shall operate in intrastate commerce without first having acquired from the Railroad Commission of Texas a certificate of public necessity and convenience; provided that any commercial aviator or predecessor who was operating bona fide on January 9, 1945 over routes in this State on regular schedule shall acquire a certificate from the Commission without further proof that public necessity and convenience will be served by such operations; defining words and phrases affecting commercial aviation as used in this Act; creating a division of aeronautics of the Railroad Commission of Texas and providing for the appointment and employment of a director of aeronautics at a salary not to exceed \$6,000.00 per year and providing a manner of payment; prescribing the duties of the Commission in administering the provisions of this Act; prescribing the manner and methods upon which a certificate of public necessity and convenience may be issued; providing for a form of application for a certificate and providing for a filing fee of \$25.00 to accompany such application; authorizing the conduct of hearings, issuance of notices and general procedure in connection with the issuance of a certificate of public necessity and convenience; providing for the terms of certificate as to evidence of public necessity and convenience, duration of certificates, revocation and transfer; authorizing the Commission to establish rates, schedules and classification and the power of the Commission to regulate and fix same; authorizing the Commission to set down rules and regulations of operation of commercial aircraft in commercial aviation and to confer with State and Federal agencies on such rules and regulations and to require commercial aviators to give bond; providing for penalties for violation of provisions of this Act not to exceed \$100.00 or imprisonment

not to exceed ninety days, or both; providing for the elimination of multiplicity of criminal prosecution for violating the terms of this Act and providing for aiding and abetting of an offense in a penal sum not to exceed \$500.00 and providing that such criminal prosecution shall be had in a County Court of any County of this State; further providing that any portion of this Act to be held unconstitutional that the remainder thereof shall nevertheless be valid; providing for an emergency and an imperative public necessity requiring a suspension of the constitutional rules."

To Committee on Aeronautics.

By Senator Spears:

S. B. No. 131, A bill to be entitled "An Act prescribing the salary of the Chief Deputy and the salaries and number of assistants and department heads in the office of the County Tax Assessor-Collector in all counties having a population in excess of three hundred and thirty-eight (338,000) thousand by the last Federal Census; repealing all laws in conflict herewith and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Brown:

S. B. No. 132, A bill to be entitled "An Act amending Article 7131, Revised Civil Statutes of 1925, as amended by House Bill No. 990, Forty-sixth Legislature, and amending Article 7132, Revised Civil Statutes of 1925, as enacted by the Second Called Session, 1923, requiring and directing that all taxes received and/or due under this law by any executor, administrator, or trustee shall be paid by him to the State Treasurer; amending Article 7141, Revised Civil Statutes of 1925, as enacted by the Second Called Session of the Thirty-eighth Legislature, as amended by the Regular Session of the Forty-third Legislature, Acts of 1933; and repealing Article 7142, Revised Civil Statutes of 1925, as amended by Chapter 192, Acts of the Forty-third Legislature, 1933."

To Committee on Civil Jurisprudence.

By Senator Stanford:

S. B. No. 133, A bill to be entitled "An Act amending Section 13 of

House Bill No. 654, Chapter 314, Page 698 of the General and Special Laws passed by the Regular Session of the Forty-first Legislature, as thereafter amended, and declaring an emergency."

To Committee on Insurance.

By Senators Aikin, Vick, and Stanford:

S. B. No. 134, A bill to be entitled "An Act relating to and providing for vocational education, accepting and validating previous acceptances of the benefits of an act passed by the Congress of the United States, approved on February 23, 1917, for the promotion of vocational education, designating the State Treasurer of the State of Texas as custodian for the reception and disbursement of all funds allotted to this State from appropriations made by said Act of Congress; designating and authorizing certain officials as the State Board of Vocational Education, to act in cooperation with the United States Commissioner of Education in the administration of the provisions of said Act; authorizing research and study, authorizing certification of teachers, repealing conflicting prior Statutes, naming conditions under which aid may be extended by the State Board of Vocational Education, and declaring an emergency."

To Committee on Education.

By Senators Aikin, Morris, and Bullock:

S. B. No. 135, A bill to be entitled "An Act amending Article 2665, Revised Civil Statutes of Texas of 1925, Acts of the Second Called Session, 1909, Page 432 as amended by House Bill No. 257, Acts Regular Session, Forty-eighth Legislature, providing formulas to be used by the State Board of Education in estimating the necessary amount to operate the schools for a period of not less than six (6) months; and declaring an emergency."

To Committee on Education.

By Senators Aikin, Morris, and Bullock:

S. B. No. 136, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended by House Bill No. 256, Acts, Regular Session, Forty-eighth Legislature, 1943, provid-

ing a formula for calculating the ad valorem rate of taxes to be collected for public free school purposes; and declaring an emergency."

To Committee on Education.

By Senator Vick:

S. B. No. 137, A bill to be entitled "An Act to amend Article 4741, Revised Civil Statutes of 1925, and declaring an emergency."

To Committee on Insurance.

By Senator Hazlewood:

S. B. No. 138, A bill to be entitled "An Act amending Section 24, House Bill No. 611, Acts of the 47th Legislature, Regular Session, as amended, being Section 24, Article 695c, Public Welfare Act of 1941, Vernon's Texas Statutes, 1942 Supplement; providing for the recovery of funds from recipients or from the estate of deceased recipients for funds granted recipients in the form of old age assistance, aid to the needy blind, or aid to dependent children, if assistance was obtained by reason of the concealment of resources, or their failure to advise the Department of the receipt of resources; providing for the method of enforcement; providing a penalty, providing a saving clause, and declaring an emergency."

To Committee on Civil Jurisprudence.

Joint Resolutions on First Reading

The following resolutions were introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Hazlewood:

S. J. R. No. 11, Proposing an amendment to Art. 6 of the Constitution of the State of Texas by amending Sec. 2, of Art. 6, by providing for the payment of poll taxes before the first day of June next preceding an election, and otherwise adopting all other existing provisions of said Sec. 2, Art. 6, of said Constitution; providing for the submission of such amendment to a vote of the people of Texas; providing the time, means and manner thereof and making an appropriation for such purpose.

By Senator Mauritz:

S. J. R. No. 12, Proposing an amendment to Section 10 of Article VII of

the Constitution of the State of Texas, by adding subsections a, b, c, and d thereto, providing for the re-location of the Medical Branch of the University of Texas.

Correction of Resolution

On motion of Senator Metcalfe and by unanimous consent, the Enrolling Clerk was instructed to correct the date shown in S. J. R. No. 7.

Co-author of S. J. R. 6.

Senator Moffett obtained unanimous consent of the Senate to sign S. J. R. No. 6 as co-author.

Senate Resolution 30

(Honoring Captain John R. Hughes)

Senator Stanford offered the following resolution:

Whereas, Captain John R. Hughes, bravely served Texas as a Texas Ranger from 1887 to 1915; and

Whereas, he served as Captain of the Texas Rangers for twenty-two years; and

Whereas, during all such service he contributed much to the enforcement of law and order in our State at a time when such service was so greatly needed; and

Whereas, said Captain John R. Hughes, on February 11, 1945, passed his ninetieth milestone in life; and

Whereas, it is the desire of the Senate to express congratulations and to pay tribute to him and that, therefore, be it

Resolved, that the Senate of Texas hereby pays tribute and congratulates Captain John R. Hughes for his brave and untiring services to his State and upon the passing of his ninetieth birthday, and be it further

Resolved, that a copy of this Resolution be spread on the Senate Journal to honor so gallant a Texan; and that a copy be sent to him.

The resolution was read and was adopted.

House Joint Resolution 7

The following resolution received from the House today, was laid before the Senate, read first time, and referred to the Committee indicated:

H. J. R. No. 7, to Committee on Constitutional Amendments.

Bill and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice, the following bill and resolutions:

H. B. No. 2.

S. C. R. No. 9.

H. C. R. No. 15.

H. C. R. No. 20.

Adjournment

On motion of Senator Graves, the Senate, at 12:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

TWENTY-SECOND DAY

(Tuesday, February 13, 1945)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senators Spears, Kelley, and Shivers were granted leave of absence for today on account of important business on motion of Senator Mauritz.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Vick:

S. B. No. 139, A bill to be entitled "An Act permitting trolling from a boat for taking fish on Lake Waco, repealing conflicting laws or parts of laws, and declaring an emergency."

To Committee on Game and Fish.

By Senator Vick:

S. B. No. 140, A bill to be entitled "An Act appropriating from the State Highway Funds \$1750.00 to pay a judgment rendered in the District Court for the Fifty-third Judicial District of Texas, Travis County, Texas, in Cause No. 55,110, styled D. F. Jones Construction Company vs. The State of Texas et al, in favor of D. F. Jones Construction Company and against the State of Texas in the amount of \$1750.00; and declaring an emergency."

To Committee on Public Debts, Claims and Accounts.

By Senator Vick:

S. B. No. 141, A bill to be entitled "An Act making an appropriation of One Hundred Three Dollars and Twenty Cents (\$103.20) out of any moneys in the State Treasury not otherwise appropriated, for refund in over-payment of Inheritance Tax paid in connection with the estate of Mrs. Ida B. Arbuckle by Agnes A. Wright, her daughter, and declaring an emergency."

To Committee on Public Debts, Claims and Accounts.

By Senator Vick:

S. B. No. 142, A bill to be entitled "An Act making an appropriation of \$160.04 out of any moneys in the State Treasury not otherwise appropriated, for refund on inheritance tax paid by the Kate Lattimore Spencer Estate, and declaring an emergency."

To Committee on Public Debts, Claims and Accounts.

By Senator Knight:

S. B. No. 143, A bill to be entitled "An Act making an appropriation to pay miscellaneous claims out of any moneys in the Confederate Pension